

CERTIFIED FOR PARTIAL PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

BAY GUARDIAN COMPANY,
Plaintiff and Respondent,
v.
NEW TIMES MEDIA LLC et al.,
Defendants and Appellants.

A122448
(Super. Ct. No. CGC-04-435584)
ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on August 11, 2010, be modified in the following particulars:

1. On page 40, in the Disposition, another paragraph is added. The Disposition will now read:

Accordingly, the judgment against defendant East Bay Express is reversed. In all other respects the judgment is affirmed.

Respondent to recover costs on appeal.

There is no change in the judgment.

Date: August 11, 2010

Marchiano, P. J.

Trial Court

San Francisco County Superior Court

Trial Judge

Honorable Marla Miller

For Defendants and Appellants

Reed Smith LLP

Paul D. Fogel, Esq.

Raymond A. Cardozo, Esq.

Dennis Peter Maio, Esq.;

Kerr & Wagstaffe LLP

H. Sinclair Kerr, Jr., Esq.

James M. Wagstaffe, Esq.

Ivo Labar, Esq.;

Village Voice Media, LLC

Don Bennett Moon, Esq.

For Plaintiff and Respondent

Joseph A. Hearst, Esq.;

E. Craig Moody, Esq.;

Ralph C. Alldredge, Esq.;

Richard P. Hill, Esq.